

Calendar No. 1412

77TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1369

DAVID CARON

MAY 21 (legislative day, MAY 15), 1942.—Ordered to be printed

Mr. HUGHES, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5454]

The Committee on Claims, to whom was referred the bill (H. R. 5454) for the relief of David Caron, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Page 1, line 6, strike out the figures "\$3,500" and insert "\$2,500".

The facts are fully set forth in House Report No. 1925, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1925, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5454) for the relief of David Caron, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to pay to David Caron the sum of \$3,500 for personal injuries sustained on December 18, 1940, when he was struck by a motorcycle operated by a member of the military police of the United States on United States Highway No. 99, at Fort Lewis, Wash.

STATEMENT OF FACTS

On December 18, 1940, Mr. Caron, a carpenter by trade, working on certain construction work under construction at Fort Lewis, had stopped work and was leaving the fort for the purpose of returning to his home; that in order for him to board a bus it was necessary that he cross from the west to the east side of the

Pacific Highway; that at this particular intersection there is no marked crosswalk for pedestrians; that as he approached the west side of the highway he observed that the traffic was very heavy, and waited for a period of from 5 to 10 minutes, when he observed an interval in traffic and proceeded to cross to the east side; that an Army motorcycle, operated by a noncommissioned officer, proceeding at a speed of about 35 or 40 miles per hour, struck Mr. Caron, causing severe personal injuries. Dr. W. L. Curtis called on Mr. Caron on January 19, 1941, and the following evidence of injury was obtained:

"Left skull fracture; left ear drum perforated; left side of face numb. Patient complained of sick feeling in left temporal region and dizziness. Limitation of motion of left shoulder, sufficient to render patient unable to work."

On March 28, 1941, the following certificate was executed by an Army medical officer concerning the condition of Mr. Caron:

"Blood pressure: 164/88.

"Eyes: Eye grounds, not ascertained. Wears glasses. Left eye blurs now but has always been weak.

"Ears: Small perforation of anterior inferior quadrant, left ear drum. No discharge. Slight deafness especially the left.

"Left shoulder: Movements of left shoulder limited, cannot raise arm above horizontal position with pain. No crepitation felt.

"Ribs: No trouble or pain.

"Left knee: No limitation of motion. No locking. Pain of medial ligaments if the man walks four or five blocks.

"Rhombberg: Negative. Very slight sway.

"Nose touch: Satisfactory.

"Head: Apparent healing of the fracture. Main symptoms now are concerned with the head. He complains of dull headache all the time, especially if exercising any, when it throbs. Pains throughout head. Dizziness on sudden movements. No buzzing or ringing."

The War Department, under date of October 29, 1941, concludes report as follows:

"While the Government driver may have been guilty of some degree of negligence in operating his vehicle at a speed of 35 or 40 miles per hour under the weather and road conditions then prevailing, it is nevertheless the view of the War Department that the evidence of record tends to establish the fact that the proximate cause of the accident was negligence on the part of the claimant in that he attempted to cross the road when he did not have the right-of-way and had not assured himself that he could cross in safety, and that such contributory negligence on his part defeats his claim for compensation. The Department is, therefore, constrained to recommend that the proposed legislation be not given favorable consideration."

Your committee, after carefully reviewing the evidence on file, are of the opinion that the accident was caused solely through negligence on the part of the operator of the motorcycle and sentry, who was on duty at the Hostess House gate and who had discretionary powers over the flow of traffic at that point. The following reasons are set forth by your committee to clearly establish the negligence of the Government operator, and reason for favorable consideration:

(1) As admitted by the War Department, in its report, the driver of the motorcycle was negligent in operating his vehicle at a speed of 35 or 40 miles per hour.

(2) The motor-vehicle laws of the State of Washington, 1937 edition, under "The pedestrian covered by signal lights and right-of-way," sets forth that the operator of a vehicle shall yield the right-of-way slowing down or stopping, if need be, to so yield to any pedestrian crossing the roadway within a marked cross walk or within any unmarked cross walk of any intersection. The section also sets forth that—"Notwithstanding the provisions of this section, every operator of a motor vehicle shall exercise due caution to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding of horn, when necessary."

(3) That the sentry on duty, according to his own affidavit, had not stopped traffic for a period of over 10 minutes; therefore, it could not be ascertained by

Mr. Caron whether or not the sentry was on duty or merely another person standing on the side of the highway, waiting to cross.

(4) The War Department contends "that the proximate cause of the accident was negligence on the part of the claimant in that he attempted to cross the road when he did not have the right-of-way and had not assured himself that he could cross in safety."

Your committee feel that the above-quoted section of the motor-vehicle laws clearly establishes that Mr. Caron did have the right-of-way; further, that it was the finding of the board of officers appointed to investigate the accident, that "the weather was misty, and it was almost dark, and that Mr. Caron apparently misjudged the nearness of the approaching motorcycle."

(5) The driver of the Government motor vehicle, notwithstanding the fact that he was proceeding at an excessive rate of speed, also was driving in a negligent manner, for the reason that, in his own affidavit, he sets forth that he was trying to overtake two Army vehicles in order to determine whether they were part of a convoy he was supposed to meet, when suddenly, Mr. Caron, whom he had not seen standing beside the highway, because of the blinding glare of headlights of oncoming traffic, started across the road in front of him. Your committee feel that the Government driver, knowing that the lights of approaching traffic were blinding him, certainly should not have been trying to overhail any Army trucks, and by so doing, endanger the life of anyone that might be in front of him.

Appended hereto is the report of the War Department together with other pertinent evidence.

WAR DEPARTMENT,
Washington, October 29, 1941.

Hon. DAN R. McGEHEE,
*Chairman, Committee on Claims,
House of Representatives, Washington, D. C.*

DEAR MR. McGEHEE: The War Department is opposed to the enactment of H. R. 5454, Seventy-seventh Congress, which would pay to David Caron, of Hoquiam, Wash., the sum of \$3,500 in full settlement of all claims against the United States for injuries received on December 18, 1940, when he was struck by a motorcycle operated by a member of the military police on United States Highway No. 99, at Fort Lewis, Wash.

On December 18, 1940, at about 4:43 p. m., an Army motorcycle, operated by a noncommissioned officer, on official business, was proceeding southward on United States Highway No. 99 through Fort Lewis, Wash., at a speed of about 35 or 40 miles per hour and approaching the junction of the said highway with the Hostess House Gate Road. At about the same time David Caron, of 312 Simpson Avenue, Hoquiam, Wash., who for 5 or 10 minutes had been standing on the west side of the aforesaid highway awaiting an interval in the flow of traffic which would enable him to cross in safety to a bus stop on the other side of the road, started to run across the highway. Upon seeing Mr. Caron ahead of him, the operator of the Army motorcycle, in an effort to avoid an accident, swerved his vehicle to the left but struck Mr. Caron a glancing blow, throwing him to the pavement. The motorcycle, then out of control, skidded across the center of the road and struck a north-bound automobile, which had been brought to a stop when its driver saw the motorcycle swerving toward him. It was dark and misty at the time, the roadway—consisting of four lanes—was wet, and visibility was poor. Traffic was heavy. At the time of the accident there were no traffic lights at the junction, and the crosswalk was not marked, individual pedestrians being left to choose their own time for crossing during traffic lulls. The unmarked crosswalk was about 30 feet south of the point where Mr. Caron attempted to cross. A sentry on duty at the Hostess Gate Gate directed traffic out of the gate and at time stopped traffic on Highway No. 99 to allow groups of pedestrians to cross the highway, using, however, his own judgment as to whether of

not to stop traffic for pedestrians. Since the accident, traffic lights have been installed at the junction and crosswalks have been marked out.

As a result of the accident, Mr. Caron suffered shoulder injuries and a fractured skull. The following report by Dr. W. L. Curtis with respect to Mr. Caron's injuries is of record in the War Department:

"I made a call on David Caron the 19th of January 1941, at his home. The following evidence of injury was obtained:

"Left skull fracture; left ear drum perforated; left side of face numb. Patient complained of sick feeling in left temporal region and dizziness. Limitation of motion of left shoulder, sufficient to render patient unable to work."

Under date of March 28, 1941, the following certificate was executed by an Army medical officer concerning the condition of Mr. Caron:

"I certify that I have this date examined David Caron, civilian, and noted the following physical defects:

"Blood pressure: 164/88.

"Eyes: Eye grounds, not ascertained. Wears glasses. Left eye blurs now but has always been weak.

"Ears: Small perforation of anterior inferior quadrant, left ear drum. No discharge. Slight deafness, especially the left.

"Left shoulder: Movements of left shoulder limited, cannot raise arm above horizontal position without pain. No crepitation felt.

"Ribs: No trouble or pain.

"Left knee: No limitation of motion. No locking. Pain of medial ligaments if the man walks four or five blocks.

"Rhombberg: Negative. Very slight sway.

"Nose touch: Satisfactory.

"Head: Apparent healing of the fracture. Main symptoms now are concerned with the head. He complains of dull headache all the time, especially if exercising any, when it throbs. Pains throughout head. Dizziness on sudden movements. No buzzing or ringing."

In the course of the investigation of the accident, Mr. Caron testified that he was 65 years old; that on December 18, 1940, he was working for the Sound & Kiewit Construction Co. at Fort Lewis; that he left his work at 4:30 p. m. on that date and came up to the west side of Highway No. 99 across from the Hostess House Gate; that he waited there at least 10 minutes for the traffic to slacken so that he could cross easily; that the cars on the highway had their lights on at the time; that he looked in both directions and saw a wide gap in the traffic, giving him plenty of time in which to cross; that, so far as he knew, he started to cross the highway; that that was the last thing he remembered. On March 19, 1941, Mr. Caron testified that up to that date he had been unable to return to his work and did not know how long it would be before he could work.

The operator of the Government motorcycle testified that he was proceeding south on Highway No. 99 at a speed of about 40 miles per hour and trying to overtake two Army vehicles in order to determine whether they were part of a convoy he was supposed to meet, when suddenly Mr. Caron, whom he had not seen standing beside the highway, because of the blinding glare of headlights of oncoming traffic, started running across the road in front of him; that he (the Government driver) tried to pass in front of Mr. Caron—the only way he could see to avoid striking him—but that Mr. Caron struck the right front part of the motorcycle; that Mr. Caron was thrown down, as were also the Government driver and the motorcycle; that the motorcycle and its driver slid about 30 or 40 feet into a north-bound car on the inside lane, which had stopped before the motorcycle struck said car.

The sentry who was on duty at the Hostess House Gate and who had discretionary powers over the flow of traffic at that point, testified that a workman from Fort Lewis started to cross the Pacific Highway and stepped in front of the south-bound motorcycle just as it came opposite to the Hostess House Gate; that the motorcycle rider, seeing that an accident was imminent, swerved in an attempt to miss the man; that the motorcycle was thrown on its side, which caused it to slide into a civilian car. The sentry testified later that he saw a man standing across the highway and knew he wanted to cross but that the traffic was too heavy for him to stop it for one man; that after the pedestrian had stood there for 5 or 10 minutes, he started across and crossed the first lane safely; that when he was crossing the second lane the motorcycle struck him.

An enlisted man who was standing near Mr. Caron on the west side of the highway and who also was waiting to cross, testified that he saw the civilian start to run across the road; that when he (the civilian) was about in the center of the

highway a south-bound motorcycle hit him; that the motorcycle appeared to be traveling at about 35 miles per hour; that he saw it swerve as an effort was made to avoid striking the man; that when it swerved it skidded into an automobile headed northward. In a later statement this witness testified that he himself had been waiting for about 5 minutes to get across the street; that after a lapse of about a half a minute during which no cars had passed him he started across the highway, but saw the lights of the motorcycle at a distance of about 200 or 300 feet and turned back.

The driver of the automobile that was struck by the skidding motorcycle testified that when he saw the motorcycle swerving toward him he stopped his car; that the motorcycle slid into his car at a point about 25 yards south of the Hostess House Gate; that he was driving in the inside lane on the right side.

A claim has been filed with the War Department by Mr. Caron in the amount of \$3,500 as compensation for the injuries suffered by him, supported in part by medical, hospital, and nursing bills in the amount of \$101. In view of the introduction of the bill now under consideration, H. R. 5454, no further action will be taken on Mr. Caron's claim.

There is no information of record in the War Department as to the names, ages, relationship, and extent of dependency of any persons who may be dependent upon Mr. Caron for support. When such information is obtained it will be furnished to the Committee.

While the Government driver may have been guilty of some degree of negligence in operating his vehicle at a speed of 35 or 40 miles per hour under the weather and road conditions then prevailing, it is, nevertheless, the view of the War Department that the evidence of record tends to establish the fact that the proximate cause of the accident was negligence on the part of the claimant in that he attempted to cross the road when he did not have the right-of-way and had not assured himself that he could cross in safety, and that such contributory negligence on his part defeats his claim for compensation. The Department is, therefore, constrained to recommend that the proposed legislation be not given favorable consideration.

A copy of the report of the board of officers which investigated Mr. Caron's claim is enclosed for the information of the committee.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

EXTRACT FROM MOTOR VEHICLE LAWS, OF STATE OF WASHINGTON, 1937 EDITION

Page 31—chapter —, definition:

(o) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten (10) feet therefrom, except as modified by a marked crosswalk.

Page 62—Pedestrians governed by signal lights—rights-of-way:

SEC. 99. Pedestrians shall be subject to traffic control signals at intersections and the directions of officers discharging the duty of directing traffic at intersections. Where traffic control signals are not in place or in operation, the operator of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to so yield, to any pedestrian crossing the roadway within a marked crosswalk or within any unmarked crosswalk of any intersection. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at any intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. Between adjacent intersections at which traffic control signals are in operation and in business districts it shall be unlawful for pedestrians to cross the roadway. Pedestrians crossing a roadway other than at intersection crosswalks shall yield the right-of-way to all vehicles upon the roadway. It shall be unlawful for a pedestrian to cross a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. Notwithstanding the provisions of this section, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise all proper precaution upon observing any children or any confused or incapacitated person upon the roadway.

I certify this is a true copy.

J. F. DRESSLER,
*Major Fifteenth Infantry,
President of Board.*

CLAIM FOR DAMAGES AS A RESULT OF PERSONAL INJURIES SUFFERED

David Caron, claimant, versus War Department of the United States of America, defendant

Comes now the claimant, David Caron, and respectfully shows and submits as follows, to wit:

That the Pacific Highway is one of the main traveled highways of the State of Washington, and is a primary highway, and as such passes through the military reservation at Fort Lewis, Wash., and at such point runs in a generally northerly and southerly direction; that at Fort Lewis there are several cross streets, or roads, intersecting the said Pacific Highway at right angles, and that said cross streets are main traveled streets and are used by hundreds of people daily; that at Fort Lewis, and for many miles north and south thereof, the Pacific Highway is a double highway, consisting of two strips of concrete pavement, each strip having two marked lanes of traffic thereon, and the two paved portions of said highway being separated by an unpaved graveled strip.

That on the 18th day of December 1940, at or about the hour of 4:45 p. m., the claimant approached, on foot, one of the aforementioned intersections of the said Pacific Highway and one of the said cross streets; that claimant was on the west side of the said Pacific Highway; that claimant stopped at said intersection for a period of several minutes, awaiting a lull in traffic to permit him to cross the said Pacific Highway to the Stage Depot situated directly across said highway; that claimant, after observing carefully and seeing no oncoming vehicles, started across said Pacific Highway and had reached a point well beyond the center of the said Pacific Highway, had in fact, crossed the westerly paved portion and the graveled section and entered upon the easterly paved part of said highway, when he was struck and run into by a motorcycle, owned by the War Department of the United States of America, operated by a soldier of the United States Army and being used, at that time, for the purpose of conveying equipment belonging to the United States Army; that at that time and place the aforesaid motorcycle, driven by a soldier of the United States Army, whose name is unknown to claimant, was proceeding in a southerly direction in advance of a fleet of United States Army trucks, and was being operated in such a careless manner as to run into claimant, causing personal injuries to claimant as hereinafter complained of; that said personal injuries to claimant were caused wholly by the negligence and carelessness of the War Department of the United States and its agents, employees, and personnel, in this, to wit:

1. Operating, or permitting the operation of, a motor vehicle at a dangerous and excessive rate of speed at an intersection on the Pacific Highway, said operator of the vehicle having full knowledge of the existence of the intersection.
2. Failure to keep a reasonable lookout ahead, by the operator of said motorcycle, and the further failure to stop said vehicle before running into claimant.
3. Operating, or permitting the operation of, a motor vehicle in such a careless and wanton manner as to drive the same, or permit the same to be driven, over and into that portion of a highway reserved entirely to the use of traffic and vehicles proceeding in the opposite direction.
4. Failure of the War Department of the United States to provide proper and suitable operators of its motorized equipment, and the further failure of the said Department to properly regulate traffic on military property.

That as a direct result of the negligence of the United States Department of War, its agents, employees, and personnel, the claimant was severely and seriously injured in this, to wit: suffering bruises to his left knee and further bruises to his left arm and shoulder, two broken ribs on the left side, his left eye was injured, causing a marked defect of vision therein, the left ear drum was punctured, causing partial deafness in said ear and claimant further suffered a severe fracture of the skull; that claimant, at the time of said accident, was employed as a carpenter at a monthly wage of more than \$200 per month; that since being injured claimant has been unable to work at all and, as a result thereof, will probably never work again; that he has, to date, spent the sum of \$104 for medical services and hospitalization as a result of said injuries and is still under the care of a physician. From which injuries he has and will continue to suffer great pain and mental anguish; that said injuries may be permanent, all to claimant's damage in the sum of \$3,500.

Wherefore, claimant asks that he be granted and awarded the sum of \$3,500 as compensation for the injuries as above set out.

DAVID CARON, *Claimant.*

STATE OF WASHINGTON,
Grays Harbor County, ss:

David Caron, being first duly sworn, upon oath deposes and says that he is the claimant above named; that he has read the above claim; knows the contents thereof and believes the same to be true.

DAVID CARON.

Subscribed and sworn to before me April 1, 1941.

[SEAL]

J. A. FAIRBAIRN,
*Notary Public in and for the State of
Washington, residing at Hoquiam.*

AFFIDAVIT STATING THAT NO INSURANCE, FOR ACCIDENT, STATE COMPENSATION, MEDICAL AID, UNEMPLOYMENT COMPENSATION, OR INDEMNITY FROM ANY SOURCE RECEIVED

STATE OF WASHINGTON,
County of Grays Harbor, ss:

I, David Caron, being first duly sworn, on oath depose and say:

That I have not received any compensation from any source for the payment of any hospital bills, growing out of my accident at Camp Lewis, Wash., on December 18, 1940.

That I have not received any compensation from any source, for the payment of any doctor bills, growing out of my accident at Camp Lewis, Wash., on December 18, 1940.

That I have received no unemployment compensation for any loss of time at work since my accident at Camp Lewis, Wash., on December 18, 1940, nor do I have any due me.

That I have not received any disability compensation from any source whatever for any loss of time since my accident at Camp Lewis, Wash., December 18, 1940, nor am I insured under any accident policy, or have any such compensation due me from any insurance company.

That to the best of my knowledge, the facts set forth in the foregoing statements in this affidavit are true and correct.

That I make this affidavit of my own free will.

Further affiant saith not.

DAVID CARON.

Subscribed and sworn to before me this 28th day of April 1941.

[SEAL]

J. A. FAIRBAIRN,
*Notary Public in and for the State of Washington,
Residing at Hoquiam, Wash.*

My commission expires October 5, 1943.

HOQUIAM, WASH., August 28, 1941.

Hon. MARTIN F. SMITH,
Washington, D. C.

DEAR SIR: I suppose you think we took plenty of time to get only half of what we should have sent you; but I was disappointed about getting Dr. Goering's testimony and affidavits. He took care of David when he was first hurt. He was in Tacoma then, but now he has been taken into the Army, and is stationed at Vancouver, Wash., and he writes me that he cannot give any examinations now that he is in the Army, as it is against the rules there for him to take any form of civilian practice.

He is also handicapped in helping us by having his records of the case all packed away with his office equipment in Tacoma, and as he says, even the hospital records of the case are there. I have been delaying the sending of this, trying to get the opportunity to have some stenographer go to the Tacoma General Hospital to get the case record there; but so far have been unsuccessful, so I have decided to send on what we have, anyway.

A cataract has developed on Mr. Caron's right eye, covering about one-fourth of the eyeball, at this time. I feel that this has been brought on by the accident, as it has developed since the accident. Both eyes were hurt at the time of the accident. The left eye hemorrhaged badly, and was swollen shut for some time after the accident; and the right eye was suffused with blood for several weeks.

after the accident. When the bloodshot condition cleared up, the cataract was first noticed. However, as we did not take him to an eye specialist at that time, the one we took him to lately is not prepared to say that the accident had anything to do with the formation of the cataract, so we thought it would be useless to introduce that testimony at all.

You know that Mr. Caron has always been a great worker, and is very eager to get back to work; but he cannot work at all, as he gets very bad headaches and extreme dizziness whenever he works or exercises much, and seems to get very nervous. The doctor says that there was a large blood clot on the brain at the time of the accident, and the brain itself was swollen and sore. Now the large clot is breaking up, and the body is absorbing it, so that is where the danger comes in his working, until that is cleared away by the slow healing of Nature. No doctor can help, the doctors say. It just takes time, and if he would work now, until it was well, it might cause paralysis or insanity, if he became overheated or overtired. His blood pressure is perfect, and I am sending you a letter I got from Dr. Goering, now Captain Goering, United States Army, who said that, if David had not had such wonderful health when he was hit, that the accident would probably have been fatal. The doctor told us at the time, that his heart, blood pressure, lungs, and all were perfect for a man of his age. He had had all of his teeth out in September, not because they were very bad, but he felt that he should not run chances of waiting too long to have them out, so he did. There was no poison in his system, so he is healing the way he should, only, as the doctors have all told him, when he becomes so impatient to get back to work, he had a bad hit, and was unconscious a long time after being hit, so the doctors have told us right from the first that it might be a couple of years or more before he would be well, and Dr. Curtis says he may never be well enough to work at hard work again. I think he will, for he has the foundation of a good, healthy body, and a background of decent living, which serve him well when he needs the help of Old Mother Nature.

It is still problematic how long he will be incapacitated for work at any remunerative employment. He has not even been able to split and carry up our stove-wood since the accident. I have to hire all of that done. He tried for 3 days, as he has been so determined to work, as we are gradually going into debt, but he became so ill, that I would not let him try again. That was a month ago. He exercises some each day, and does some light tasks about the house, as he hates to be idle; but he lies in bed until 10 in the morning, and rests in bed in the afternoon of each day. He hates that, but only that way can I keep him quiet enough to get well; but with a 3-inch skull fracture he must rest now.

He has turned down many jobs since he was ill, and I think he could have been steadily employed if he had been well, because skilled workmen are now in demand. He is steadily improving, and I am hopeful that this time next year he will be back on his feet, or at least by 1943. Meantime, I would like some help in our living. I think it is a shame that the Government have no insurance protection for their motorized equipment. It would surely be too bad for anyone who had to wait to eat until they got their indemnity. If they want the Army modernized, why don't they go all the way, and insure these vehicles so they will not be a peacetime menace? About 38,000 persons lost their lives in motor accidents in 1940, besides more than four times that many who were injured, many of them for life.

The public have therefore become so motor-accident-conscious that now 37 of our 48 States have some form of compulsory motor accident insurance, as well as all of the provinces of Canada except Quebec. Washington has such a law protecting civilians from civilians or others, but when a man dons a uniform, he may go out and kill as many as he likes, with his car, and the victim can just get out of the accident the best he can. If the Army cops are as good at killing the enemy with their cars as they have been civilians, guns will be unnecessary. They have had so much practice with the civilian victims, these fellows can do more damage with a motorcycle than a tank. The first thing any driver should learn is to stop his car. These fellows don't seem to be able to slow theirs up, even at need. I have driven myself, for more than 20 years, and I know that there was no need for this accident. It was just carelessness on the part of the driver, as he seemed to be spellbound when he saw Mr. Caron approaching, and just crossed the street to hit him.

One of the young officers who had charge of the investigation told us that the young soldier who was driving the motorcycle was a man of good character, but he had had a great trouble a week or so before, resulting in a separation from his wife, and the attempted suicide of one of the triangle. This had made a

very great mental impression on him, and he was doubtless mulling over his troubles when he steered his machine across the street and hit David, for one of the things one does instinctively when driving, is to steer to anything at which you stare fixedly. Sometimes the very fear of hitting something may make you steer into it, as I found out, when learning to drive, years ago.

As work is now plentiful, and will doubtless be plentiful for the next 3 or 4 years, I feel that he has lost a great deal in wages, already, and will doubtless lose a great deal more, in the next year, as now would be the time to work, when the work is plentiful. He has been 8½ months now out of employment, which means \$1,500 or more lost, if he could have kept on working, and would have meant our getting out of debt, and in a position to earn more, and help ourselves and others more.

This way the income we have from our property does not pay the overhead and mortgages on the property, and so we are going steadily into debt, and do not have what we should have in food and clothing for our good health and comfort. If we had had this 2 years of work, we could have paid our debts, and organized our business to bring us an income, but as it is, our debts must come before living expenses.

In event that Mr. Caron is permanently disabled, as far as remunerative employment is concerned, which even his doctors feel may be very likely, we would be placed in a very bad plight, since I am, as you know, very lame, and unable to do any hard physical labor to support us. I was forced to give up teaching in 1918, due to long illness, and am too ill yet to give much to my present insurance work. If I had my health, I know we could make the grade some way, but with both of us ill, it is very hard. I would have no trouble in getting a 100-percent disability certificate from any doctor, myself, but I have been too determined not to give up, to do so, and my perseverance has been rewarded, by some ability at walking.

So I think I have done all the detective work I can for you. If you have the X-ray findings to get, and other hospital records, I shall try to send a stenographer there and get them, if they will let me have them. You can let me know if you do. I feel it is a just debt, and know that you will do what you can to get it through for us, and I hope you can get a bill through to insure all Army motor vehicles so such cases as this one will not be such a bother in the future. As some of our insurance companies are still trying to collect Government indemnity from the War of 1812, the present method could be improved, and I feel that many injured would bless you to do it.

With many thanks, and regrets for delays, we are, with all good wishes.

Yours very truly,

DAVID AND LELIA CARON.

HOQUIAM, WASH., June 26, 1941.

MR. MARTIN F. SMITH,
Washington, D. C.

DEAR SIR: At length, after many set-backs and delays, including my own illness, we have finally got together all of the original affidavits which we sent Camp Lewis in the first place, in duplicates. I wrote to Camp Lewis to that Major Dressler for some of the five of each which we had already sent them, but we did not receive even the courtesy of an answer. So I started from scratch, and made six more of each, which, slow as I was at making them out, was only the first step in a long-drawn-out process of trailing the signators all over to get their affidavits. Many of the worst delays were right here in Hoquiam, for some were out of town for indefinite periods. One had sold his business, and was so steeped in the liquid reward of his retirement that he dodged us for weeks. It would read like a detective story to tell you all the delays, but now I think we have all but one, and we are tired of awaiting his. Mr. Caron earned \$18 with him last June. Now he has gone away, and to date we have had no answer.

Some of these jobs were short jobs, of only a day or two, and some, like Earl Karshner, he worked for at two different times, so that way he has placed the items separately. I will indicate on the blue slips what the total of each affidavit is. Mr. Buckley had paid Mr. Caron once with currency instead of checks, so he had forgotten to enter it in his books, so he was afraid it would get him in bad for mentioning it now, so we lost \$16 that way. The rest is all there except the \$16 and the \$18, from the other fellow that we have not yet been able to locate. So he really earned \$927.61 during the year from December 18, 1939, to December 18, 1940. Of this we have the affidavits for \$893.61 enclosed, and I may yet

be able to send you the \$18 one, bringing the total to \$911.61. We cannot get the other \$16 at all.

We were weeks hearing from MacDonald and Kuhn, and when it came back, the office or legal force had made new ones, evidently fearing some labor union trap, and wishing to keep out of such. If there is anything more you need, please let me know. You will notice that I have sent two of each thing, as you said that the War Department did not yet have any copies of the records. When the Camp Lewis offices asked for five copies of everything, they claimed one of these was to go to the war office. I am therefore enclosing two copies of each so you may give one of each to the War Department, if they want one of each. I have retained four copies of each here, in case all of this red tape fails to unwind enough. One certainly earns all one gets in Government indemnity.

One thing which should be borne in mind in making this estimate, it seems to us, is the fact that last year work was much scarcer than this year, and there are more chances of securing construction jobs at his trade. He hated to be on Work Projects Administration, but when we went on it we were without work for some years, and had gone through privations, which doctors say now has ruined my health. At that, he was able to learn, during the last 6 months of 1940, up to his accident, \$653.05, because business had so far advanced in volume, which is far more marked in the past 6 months since December 18, 1940. If the draft goes on, even the women will have to be working soon, let alone a skilled worker like Mr. Caron, who can do many trades well. I feel certain that he could have earned \$1,500 or \$2,000 this year if he had not been ill. He has made \$200 a month before this war work, when he worked as millwright in the mills, and on construction work, even in 1926, before union scale was used, at all. The union scale for carpenters in Hoquiam is \$1.37½ an hour now, and he was getting \$1.33 an hour at Camp Lewis when he was struck down. He was getting \$52 a week at that time.

We asked the Army for an allowance by the week until he was well again, and them to pay medical and hospital expenses, if there is other bills, such as surgery, those, but they said that a lump sum must be figured as flat, and let it end there. We figured if it was a year or two yet before he can stand to work out for wages, as it bids fair now to be, 6 months after the accident, \$3,500 would not be too much to ask. In fact, your partner had estimated \$5,500, but I thought that was more than we should ask of the Government at this time. Six months after the accident, he is still having those dangerous head pains that may turn into anything if he is not very careful, or does the least tiring thing. His injured limbs are about as painful as ever, while his eardrum will never come back to its former health, and his eyes bother him, where they were so bruised and bloodshot after the accident. I think the accident has very good chances of shortening his life.

Then there is always the chances that, even after a long period, a skull operation may be necessary. In that case, I would want the most skilled surgeons and the best care for any brain operations, and by sad experience I know that skilled surgery and hospitalization for such cases costs a lot. No one would run the chances of getting killed that he did for \$3,500. There is \$111 medical and hospital bills to pay, besides expenses for affidavits and the work of the compilation of data. I think that it is a shame the Government has no insurance on its motor vehicles. The public must have, and certainly the public is at the mercy of the soldiers' motors daily, with their heads being zipped off, even, to make a Roman holiday for some senseless kids who ought to use their heads a little. Those highways bordering their cantonments are death traps. Soldiers are supposed to protect the public; not kill them.

Major Dressler made a point of the fact that they seldom paid anyone anything there at Camp Lewis who were hurt or killed. They lie to get out of it, or however they can, to keep in the good graces of the powers that be there, and a soldier's word there is whatever his superior officer says, or else. They had changed the original drawings all over again from those made at the time of the accident, when they came the second time, to make it seem that Mr. Caron was to blame. Any motor driver who leaves a fourth traffic lane and careens in a diagonal path across the street to hit a pedestrian is certainly foolish, and if you cannot stop, you should not drive. I do not see how they think they could exonerate this driver, with the way he drove.

Major Dressler did not make a good impression here, and even Dr. Curtis said he seemed to be trying to give us the run-around. He gave the impression that David should be proud to be hit by the Army, who, like God, the Stuarts, and Bourbons "could do no wrong." I don't want to hold up the Army. I am a

veteran's sister, and have a great respect for my country and its institutions, but if the public must protect the public from traffic accidents, so should the Government. They hurt just as bad, whoever does the hitting.

We thought we knew the name of the man who ran Mr. Caron down, but we had his confused with that of another soldier, so we shall have to make his name "unknown."

As far as we know, this is all that will be needed, but if you have to have something else, from doctors or anyone, please let me know what you need. I am deeply grateful to you for all the trouble we have caused you. We certainly need the indemnity badly. We are simply going into debt now. What he earned last year was spent to save our mortgaged property and pay our debts. If he had been able to work the rest of the year, and next, we would be well out of the woods. Our present income from our property does not pay the expenses and payments on it, even.

Hoping that you will find what I have sent to be what you want, I am,

Yours very truly,

Mrs. DAVID CARON.

Amount earned by David Caron from Dec. 18, 1939, to Dec. 18, 1940

On Works Progress Administration, Dec. 18, 1939, to May 30, 1940-----	\$274. 56
Earl Karshner-----	25. 10
Charles Cyr-----	6. 00
Earned from June 1 to Dec. 18, 1940, on leaving Works Progress Administration:	
Mrs. Jennie McDonald-----	14. 00
Grays Harbor Lumber Co., construction work, millwright-----	104. 63
J. R. Buckley, carpenter work-----	218. 00
McDonald & Kuhn, carpenter work-----	189. 49
Sound & Kiewit, carpenter work up to Dec. 18, 1940-----	61. 83
Total for which we have affidavits-----	893. 61
One job in June for which we have been unable to get an affidavit, as employer is out of town now, and so far no answer to letter---	18. 00
Grand total-----	911. 61

By far the most of this was earned after the upturn in business in June, 1941, when he was enabled to leave Works Progress Administration for private industry.

AFFIDAVITS FOR WORK DONE FOR SOUND & KIEWIT (\$61.83)

STATE OF WASHINGTON,

County of Pierce, ss:

J. A. Wickman, of the contracting firm of Sound & Kiewit, of Camp Murray and Tacoma, Wash., being first duly sworn, on oath, deposes and says:

That David Caron, of 312 Simpson Avenue, Hoquiam, Wash., was a union carpenter, employed by my firm from December 11 to December 18, 1940, until his accident, on construction work at Camp Lewis, Wash.

That during that time we paid him the sum of \$61.83, payments being made each week, the hourly wage scale being \$1.33.

That, to the best of my knowledge, the facts set forth in the foregoing statements in this affidavit are correct.

That I make this affidavit of my own free will.

Further affiant sayeth not.

J. R. WICKMAN.

Subscribed and sworn to before me this 3d day of June 1941.

[SEAL]

J. B. SMYTH,

Notary Public in and for the State of Washington.

My commission expires November 18, 1944.

AFFIDAVITS FOR TACOMA GENERAL HOSPITAL FOR HOSPITALIZATION (DEBT \$41)

STATE OF WASHINGTON,

County of Pierce, ss:

I, W. A. Heath, director of Tacoma General Hospital, of Tacoma, Wash., being first duly sworn on oath, depose and say:

That David Caron, of 312 Simpson Avenue, Hoquiam, Wash., was a patient at this hospital from December 18 to 22, 1940, being brought in by an ambulance from Camp Lewis, after being injured by being run down by a military policeman, on a motorcycle, on the evening of December 18, 1940, about 3 hours before coming to this hospital.

That the bill for hospitalization and X-ray examinations for this accident was \$41.

That, to the best of my knowledge, the facts set forth in the foregoing statements are correct.

That I make this affidavit of my own free will.

Further affiant sayeth not.

W. A. HEATH, *Director.*

Subscribed and sworn to before me this 26th day of May 1941.

[SEAL]

NINA MAE GARNER,
*Notary Public in and for the State of
Washington, residing in Tacoma, Wash.*

My commission expires October 10, 1944.

AFFIDAVIT OF DR. W. L. CURTIS, OF HOQUIAM, WASH. (DEBT \$15)

STATE OF WASHINGTON,

County of Grays Harbor ss:

I, Dr. W. L. Curtis, of Hoquiam, Wash., being first duly sworn on oath, depose and say:

That, as a practicing physician and surgeon, I was called in to attend David Caron, of 312 Simpson Avenue, Hoquiam, Wash., after his return to Hoquiam, following his accident at Camp Lewis, Wash., on December 18, 1940, and that I attended him on three separate occasions.

That I found him recovering from the effects of an accident caused by being run down by a military motorcycle policeman at Camp Lewis, Wash., causing the fracture of his skull, two ribs, and injuries to his shoulder, left knee, and left eye, from which he has not recovered to date.

That my bill for said medical attendance at this time is \$15, none of which has been paid to me to date.

That, to the best of my knowledge, the facts set forth in the foregoing statements in this affidavit are correct.

That I make this affidavit of my own free will.

Further affiant sayeth not.

W. L. CURTIS, M. D.

Subscribed and sworn to before me this 21st day of June 1941.

[SEAL]

J. A. FAIRBAIRN,
*Notary Public in and for the State of
Washington, residing in Hoquiam, Wash.*

My commission expires October 5, 1943.

AFFIDAVIT RECORDING THE BILL OF DR. W. H. GOERING FOR MEDICAL SERVICES (DEBT \$50)

STATE OF WASHINGTON,

County of Grays Harbor, ss:

I, Dr. W. H. Goering, formerly of Tacoma, Wash., being first duly sworn on oath, depose and say:

That, as a bone specialist, I was called in to attend David Caron, of 312 Simpson Avenue, Hoquiam, Wash., at Tacoma General Hospital, in Tacoma, Wash., directly after he was brought into the hospital, after his accident found to have been caused by a military policeman running him down on his motorcycle, throw-

ing him to the pavement, on December 18, 1940, and causing many serious physical injuries, at Camp Lewis, Wash.

That my bill for the medical attendance and X-ray work for this accident is \$50, and that none of this bill has been paid to this date.

That, to the best of my knowledge, the facts set forth in the foregoing statements in this affidavit are correct.

That I make this affidavit of my own free will.

Further affiant sayeth not.

DR. W. H. GOERING.

Subscribed and sworn to before me this 4th day of June 1941.

JOHN C. HAYDEN,

Notary Public in and for the State of Washington.

[SEAL]

My commission expires May 8, 1945.

AFFIDAVIT FOR THE PROFESSIONAL SERVICES OF MRS. GERTRUDE STODDARD, NURSE
(DEBT \$5)

STATE OF WASHINGTON,
County of Grays Harbor, ss:

I, Mrs. Gertrude Stoddard, being first duly sworn on oath, depose and say:

That David Caron, of 312 Simpson Avenue, Hoquiam, Wash., was brought home to Hoquiam from Tacoma General Hospital, in Tacoma, Wash., on Sunday, December 22, 1940, in a very serious condition, following an accident caused by an Army motorcycle striking him at Camp Lewis, Wash., on December 18, 1940.

That I was sent to look after his welfare during the trip home, being a trained nurse, and that he is owing me the sum of \$5 for my services in making this trip from Hoquiam to Tacoma, Wash., and back, caring for him en route.

That, to the best of my knowledge, the facts set forth in the foregoing statements in this affidavit are correct.

That I make this affidavit of my own free will.

Further affiant sayeth not.

(Mrs.) GERTRUDE STODDARD.

Subscribed and sworn to before me this 21st day of June 1941.

J. A. FAIRBAIRN,

*Notary Public in and for the State of
Washington, residing in Hoquiam, Wash.*

My commission expires October 5, 1943.

BARNES GENERAL HOSPITAL

VANCOUVER, WASH.

Mr. DAVID CARON,
Hoquiam, Wash.

DEAR MR. CARON: In reference to your last letter regarding an examination as to your present status of health, this could be done by any of your local doctors. In my present situation it is unlawful to engage in civilian practice and also the expense of you coming here and there is no equipment for me to use. X-rays and other things would have to be done on the outside, as the Army hospital equipment would not be available for use. At any rate your home-town physician would be well qualified to examine you and write a summary of your present disability in the desired form.

You will just have to explain to your attorney that in my present status all my case records have been filed away at home and thus am unable to give you a complete detailed report of the findings as they occurred on the date that I saw you and the subsequent findings during your stay at Tacoma General Hospital.

I am indeed sorry that you have been slow in coming back to an approximate normal. After all, you had a severe accident and it really was your good health that had a lot to do in saving your life, as many skull injuries are usually the cause of so many deaths in cases like yours.

The reason my previous report was as general is because of the above that I do not have all my records available here and the complete form would necessitate my going to Tacoma and look through my files and those of the hospital.

I really think that there ought to be a much more easy way to settle this thing than to have to go through all the procedures that seem to be called for. I hope that some way this thing can be worked out for you.

With best wishes.

Sincerely,

W. H. GOERING,
Captain, Medical Corps, United States Army.

AFFIDAVIT OF W. L. CURTIS, M. D.

STATE OF WASHINGTON,
County of Grays Harbor, ss:

I, W. L. Curtis, M. D., of Hoquiam, Wash., being first duly sworn on oath, depose and say:

That David Caron, of 312 Simpson Avenue, Hoquiam, Wash., was struck down by a Camp Lewis military policeman on a motorcycle on December 18, 1940, and at that time sustained a fractured skull on the left side, a ruptured left ear drum and fractured left ribs, posteriorly.

That David Caron has been my medical charge since December 1940, after his return from the Tacoma General Hospital, Tacoma, Wash.

That on examination on August 19, 1941, the patient complained of having a dull headache most of the time, with occasional dizziness. He has suffered moderate increase in deafness since the accident, and also some decrease in his visual acuity.

That pains in the left shoulder and knee, which at previous examinations have been severe, are now improved. With any exertion, the patient goes all to pieces.

That I feel that he is entirely unable to work at the present time, and probably never will be able to resume active work as a carpenter, again. He may be able to do light work in 6 months to a year.

That, to the best of my knowledge, the facts set forth in the foregoing statements are correct.

That I make this affidavit of my own free will.

Further affiant sayeth not.

W. L. CURTIS, M. D.

Subscribed and sworn to before me this 26th day of August 1941.

J. A. FAIRBAIRN,
*Notary Public in and for the State of
Washington, residing in Hoquiam, Wash.*

My commission expires October 5, 1943.

